

Remarks

Status of Claims

Claims 3-6 stand withdrawn.

Claims 7-17 are canceled.

Claims 1-6 and 18-21 are pending.

Restriction/Election Requirement

In the Office Action, restriction of claims 1-17 to one of six designated groups was required under 35 U.S.C. § 121. Applicants elect Group I (claim 1), with traverse, and respectfully submit that the claims of Groups I (claim 1) and II (claim 2) should properly be combined, as they require the same basic steps to screen for either an activator or an inhibitor. To make the relationship of claims 1 and 2 clearer, claim 1 is currently amended to recite "modulation of enzymatic activity of soluble guanylyl cyclase (sGC)," which can apply to either enhancement or inhibition of enzyme activity, as is well known in the art. New dependent claim 18 is added to provide that the outcome of step f) is that the substance is an inhibitor of cGMP production by the purified sGC enzyme or cell lysate containing the enzyme. Claim 2 is currently amended to depend from claim 1, and provides that the modulator is an enhancer of cGMP production. As amended, claims 1 and 2 are linked, and it is now clearer that claims 1 and 2 have common method steps. The phrase "modulation of enzymatic activity of soluble guanylyl cyclase (sGC)," and the amendments to step f) of currently amended claims 1 and 2 are implicit in claims 1 and 2 as originally presented, and are also implicitly or explicitly supported in the specification, at paragraphs [0011], [0064] and [0065], for example.

In Claim 1, steps d)-f) are re-worded to improve claim form and grammar. Claim 2 is further amended for consistency with the amendments to claim 1.

New claim 18 depends from claim 1 and properly belongs with the elected claim 1 of Group I. Claim is supported by original claim 1 and also paragraph [0064], for example, in the specification.

New claim 19 depends from claim 18, also properly belongs with elected Group I. Claim 19 is supported in the preamble of original claim 1 and also in the specification at paragraphs [0064] and [0065], for example.

New claim 20 depends from currently amended claim 2, and is therefore linked to currently amended claim 1 and should be included in the elected group. In addition to original claim 2, this claim is also supported in paragraph [0065], for example, of the specification.

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New claim 21 depends from currently amended claim 1 and is supported by original claim 5 and in Table 1 (paragraph [0069]), for example, in the specification. This claim is also linked to currently amended claim 1 and is properly included in the elected group.

Applicant respectfully requests reconsideration of the restriction/election requirement and redesignation of Group I to include currently amended claims 1, 2 and new claims 18-21. Applicant believes that this is a full and complete response to the Office Action, and that no fee is due. If any necessary fee has been omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C., Houston, Texas, Deposit Account No. 03-2769, and consider this a petition for any necessary extension of time. If any additional claim fees are due as a result of the filing of this paper, please charge such fee to the above-mentioned Deposit Account.

Respectfully submitted,

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